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Filing date: **12/10/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77439119
Applicant	Prima Soriano
Applied for Mark	TOMKIT TIME OF MONTH
Correspondence Address	PRIMA SORIANO PRIMA SORIANO PO BOX 775 PALO ALTO, CA 94302 UNITED STATES dmenerbes@aol.com
Submission	Explanation for board order: Reason for late filing
Attachments	Exparteappeal.pdf (1 page)(25657 bytes)
Filer's Name	Diane Wieder
Filer's e-mail	primasoriano@pacbell.net
Signature	/Diane Wieder/
Date	12/10/2009

Our Ex Parte Appeal and samples were unintentionally late due to "error" messages on the USPTO online site. We made every effort to transmit the documents in a timely manner but due to unforeseen circumstances there was compatibility difficulty and the USPTO site did not recognize our MAC format. This prevented us from filing before the due date. When it became apparent we were unsuccessful filing on line, the documents were taken to the post office the following business day, November 21, 2009, and mailed via US Certified Mail in order to confirm the date (receipt#7008 1140 0004 8441 4084) and our return receipt reflects USPTO's receipt of the appeal November 24, 2009.